



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

BETHKE

Atty. Ref.: 263-4468

Serial No. unknown

Group: unknown

Filed: July 9, 2003

Examiner: unknown

For: DOUBLE POSTCARD PRESSURE SEAL FORM CONSTRUCTION

* * * * *

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION OF DARVIN BETHKE

Now here comes, Darwin Bethke, who declares and says that:

1. I am the sole inventor of the invention disclosed and claimed in the above-identified application, known as Attorney Docket No. 26304468, filed herewith.
2. I am currently employed by Moore Wallace (formerly Moore North America, Inc.) as Mailing Systems Manager.
3. In or about mid-year 2000, I came up with the idea of double V-folding a form with significant cohesive on the reverse side of the form to create a laminated postcard meeting the minimal thickness of the USPS postcard specification. This idea was driven by two customers, EDS-CUNA in Madison Wisconsin and Citibank in South Bend Indiana, designed to realize a postal mail savings (postcard versus first class) of \$0.14 per mail piece. Moore had earlier developed a duplex printed postcard -.0007 inch

card stock but these two customers desired some method of accomplishing the postcard production with simplex (one side) printing.

4. A mock-up of the postcard form design was created and on or about December 18, 2000, Moore's national postage services manager, Laine Ropson, sent a letter to the U.S. Postal Service (USPS) requesting approval of my design as a 2-way postcard. A copy of this letter as well as mock-up samples corresponding to those forwarded with that letter are attached hereto as Exhibit A.

5. On or about January 12, 2001, the USPS mailed a reply to Ms. Ropson rejecting the concept stating that the device could be used if the interior of the glued area was complete. A copy of the January 12, 2001 USPS letter is attached hereto as Exhibit B.

6. On or about February 13, 2001, Ms. Ropson mailed the letter appealing the decision reported in the January 12, 2001 letter. A copy of the February 13, 2001 letter cannot be located but is referenced in the subsequent final decision issued by the USPS.

7. On or about March 13, 2001, USPS issued a final rejection letter, a copy of which is attached as Exhibit C. Note the USPS letter includes a typographical error in the date. Since the letter responds to a February 13, 2001 letter from Ms. Ropson, it was clearly mailed on March 13, 2001, not March 13, 2000 as stated.

8. During the period 2000 – January 2001, the samples corresponding to those provided to the USPS were presented to potential customers EDS and Citibank. This was done in a meeting setting and verbally described. There were no written documents exchanged between Moore and these potential customers. No samples were left with either customer out of concern that they might attempt to show the sample to a competitor. During the meetings it was explained that Moore was attempting to get USPS approval of the proposed form and expected such approval due to a single postcard version being used by a client in Eau Claire, Wisconsin, a sample of which is attached hereto as Exhibit D.

9. Once the USPS refusal was received, I telephoned the potential customers noted above and stated that the USPS had rejected the proposed 2-way postcard concept and Moore would not offer the design as a solution to their applications.

10. Due to the rejection by the USPS, patent protection was not initiated at that time. However, Moore continued the attempt to gain USPS approval of the postcard design. Ultimately, in August, 2002, USPS approval of the design was secured with the assistance of my colleague, Will Hutchinson. That decision letter is attached hereto as Exhibit E.

11. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

12. Further Declarant sayeth not.

7/21/03

Date

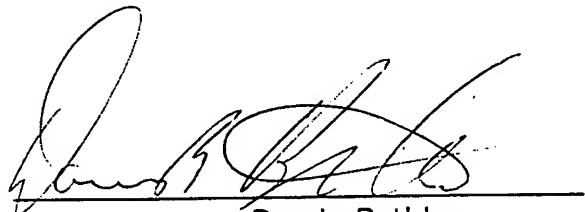

Darvin Bethke

EXHIBIT A

**Business Communication
Services**

Ms. Laine Ropson, CMDSM
National Postal Services Manager

1200 Lakeside Dr.
Bannockburn, IL 60015-1243

847-607-7356
FAX 847-607-7250
LaineBCS@aol.com
Laine.C.Ropson@email.Moor .com

December 18, 2000

Ms. Kitty Wakefield
Classification Support Specialist
Rates & Classification Service Center
United States Postal Service
433 W Harrison St, FL 4
Chicago, IL 60607-9651

Re: Double Postcard Design

Dear Kitty,

One of our Moore North America managers has designed a unique double postcard. Since this will be a national program whereby they will be selling the Moore stock paper across the country, we would like you to review and approve the design.

The postcard is constructed of a single piece of paper, folded and permanently glued, to form card stock. The original size is 6" x 14", folded and permanently sealed to 6" x 7".

DMM55: C100 First-Class Mail

2.3 Stock

A postcard (i.e., a card not supplied by the USPS) must be of uniform thickness and made of unfolded and uncreased paper or card stock of approximately the quality and weight of a stamped card. It may be formed of one piece of paper or card stock or two pieces of paper that are permanently and uniformly bonded together.

Once folded and permanently sealed, it is again folded at the bottom and sealed with glue spots on the top and one on each side to form an outgoing mailpiece 3-1/2" x 6".

Enclosed is a sample of the paper before it is folded and permanently sealed the first time.

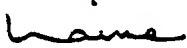
Also enclosed are two versions of the double postcard: as they would be mailed.

1. Generic double postcard with advertising a sale, but could be used for any other information. The return is a change of address card.
2. 1099 Interest document. The "legalese" is on the front (address side) of the outgoing postcard. This meets the USPS and an IRS requirement that the information be on the piece that is kept by the recipient. The barcode makes the piece automation rates, and non-barcode pieces would be non-upgradable.

If you have any questions on this, please call me at 847-607-7356.

Thank you for your assistance.

Sincerely,



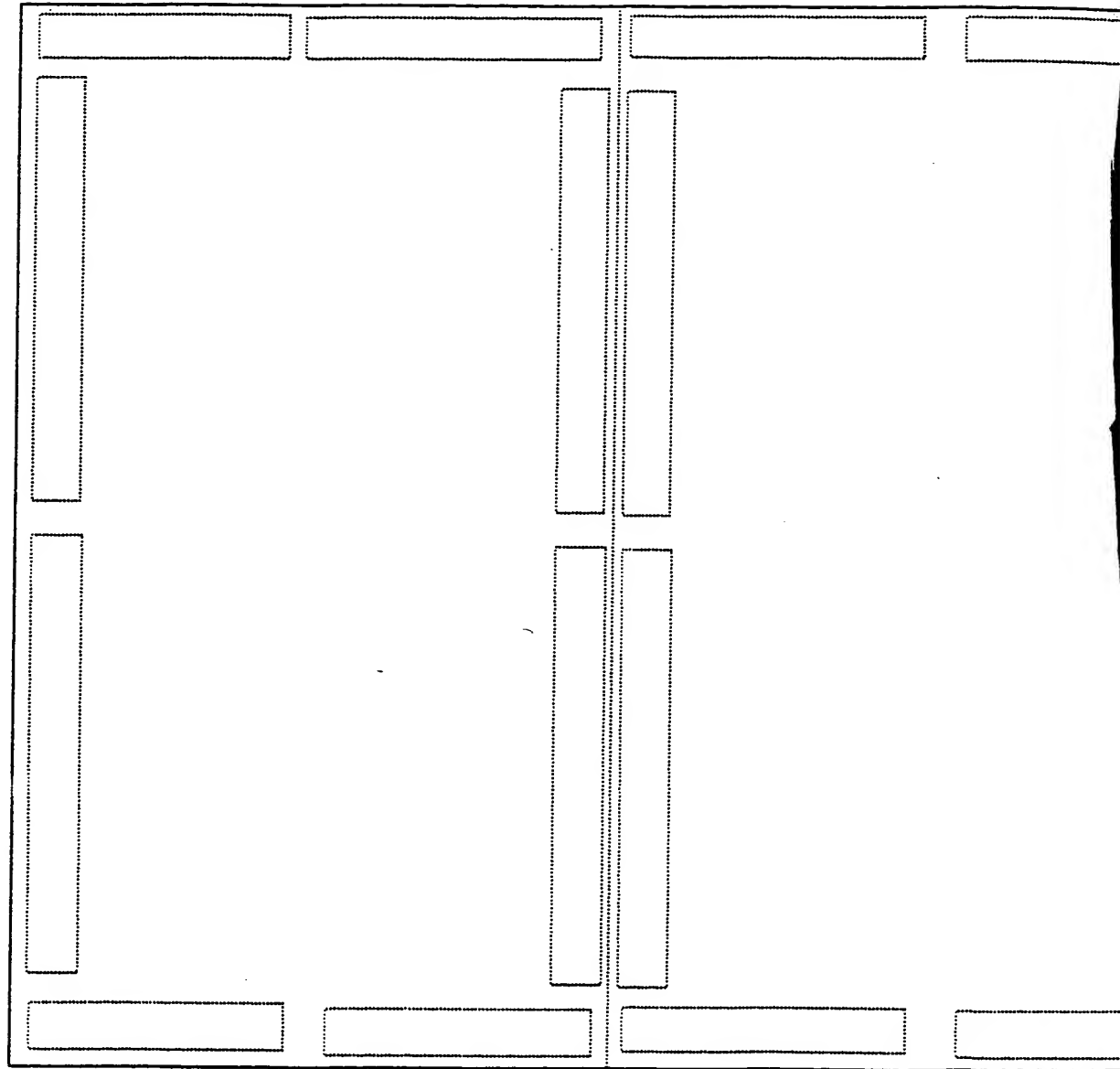
Laine Ropson

Enc.

Cc: Joe Stier, USPS NAM
Darvin Bethke, Moore North America

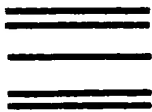
<div data-bbox="235 567 418 709"><p>PLACE \$0.21 STAMP HERE</p></div> <div data-bbox="230 919 381 1024"><p> </p></div>	
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BEST AVAILABLE COPY



BEST AVAILABLE COPY

Joha A. Doe
Address line 1
Address line 2
Edina, MN 55439-2323



PLACE
\$0.21
STAMP
HERE

Company Name or Logo
1234 Some Street, Suite xxxx
Edina, MN 55439-2323

S537180000s

PAYER'S name, address, city, state, ZIP code, and telephone no.		PAYER'S RTN(optional)	CORRECTED (if checked)	
Payer's Federal Identification number	RECEIPT'S identification number	2000 FORM 1099 INT		
RECEIPT'S name, address (including apartment), city, state, ZIP code		Interest Income		
1 Interest income not included in box 3		Copy B This is important information and is being furnished to the Internal Revenue Service. If you are required to file a return, a negligence penalty or other sanction may be imposed on you, if the income is taxable and the IRS determines it has not been reported		
2 Early withdrawal penalty		3 Interest on U.S. Savings Bonds and Treas. Obligations		
\$		\$		
4 Federal income tax withheld		5 Investment expenses		
\$		\$		
6 Foreign Tax Paid		7 Foreign country or US Possessions		
\$		\$		
Account number (optional)		Department of Treasury-Internal Revenue Service		

FORM 1099 INT 16-0331690

Keep for your records

<div data-bbox="332 703 511 850">PLACE STAMP HERE</div>	<div data-bbox="966 682 998 724">+</div> <div data-bbox="1258 682 1307 714"></div> <div data-bbox="1372 682 1421 714">00</div>
<div data-bbox="300 892 332 997"></div> <div data-bbox="300 1060 430 1165"> </div> <div data-bbox="300 1207 332 1312"></div> <div data-bbox="300 1522 332 1627"></div> <div data-bbox="592 682 641 714"></div> <div data-bbox="592 1795 641 1827"></div>	<div data-bbox="966 1785 998 1816">+ 121</div> <div data-bbox="1258 1795 1307 1827"></div> <div data-bbox="1404 1795 1453 1816">00</div> <div data-bbox="1518 1753 1550 1837"></div>

BEST AVAILABLE COPY

TO OPEN, PLACE FINGER BETWEEN CARDS, SLIDE TO OPEN

BEST AVAILABLE COPY

Cohesive pattern and location of perforations on the backside of the Double Postcard single pass constructions. Fold method is defined as double parallel, with first fold in the center of the 14" form. Second fold is center of the 7" folded form.

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Box 2 Shows interest or principal forfeited because of early withdrawal of time savings. You may deduct this on the "Penalty on early withdrawal of savings" line of Form 1040.

Box 3 Shows interest on US Savings Bonds, Treasury bills, Treasury Bonds, and Treasury notes. This may or may not be all taxable. See Pub. 550, Investment Income and Expenses. This interest is exempt from state and local taxes.

This interest is not included in box 1.

Box 4 Shows backup withholding. For example, persons not furnishing their taxpayer identification number to the year become subject to backup withholding at a 31% rate. See Form W-9, Request for Taxpayer Identification Number and Certification, for information on backup withholding. Include this amount on your income return as tax withheld.

Company Name or Logo
1234 Some Street, Suite xxxx
Edina, MN 55439-2323

IMPORTANT: 1099 TAX DOCUMENT

John A. Doe
Address line 1
Address line 2
Edina, MN 55439-2323

FIRST-CLASS MAIL
U.S. POSTAGE PAID
CUNA INSURANCE

Box 6 Shows foreign tax paid. You may also use this as a deduction or a credit on your Form 1040. See your Form 1040 instructions.
Nonrecipients If this form includes amounts belonging to another person, you are considered a nominee recipient. You must file Form 1099-INT for each of the other owners showing the income allocable to each. You must also furnish a Form 1099-INT to each of the other owners. File Form(s) 1099-INT with Form 1096, Annual Summary and Transmittal of US Information Returns, with the Internal Revenue Service Center for your area. On each Form 1099-INT, list yourself as the "payer" and the other owner as the "recipient." On Form 1096, list yourself as the "filer." A husband or wife is not required to file a nominee return to show amounts owned by the other.

S530000000s

CHANGE OF ADDRESS RETURN POST CARD

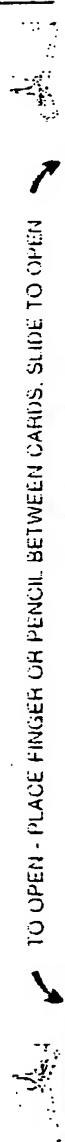
Name			
Address			
City	State	Zip Code	Day Telephone Number
Reason			
Signature	Date		

TO OPEN, PLACE FINGER BETWEEN CARDS, SLIDE TO OPEN

BEST AVAILABLE COPY

NOT AVAILABLE COPY

5971-2910-0404



TO OPEN - PLACE FINGER OR PENCIL BETWEEN CARDS. SLIDE TO OPEN

PERFS AS MARKED

S14DV0007 - MSTR VV-FOLD CUT - FACE

EXHIBIT B

FAX

M re Business C mmunicati n S rvi es
1200 Lakesid Dr
Bannockburn, IL 60015-1243
National Postal Services Manag r
Phone 847-607-7356
Fax: 847-607-7250
LaineBCS@aol.com

To: Darwin Bethke
From: Laine Ropson
Date: January 17, 2000
Subject: Double Postcards
Pages: 2

Attached is a copy of the letter from Rates and Classification denying your construction.

I am trying to get in touch with Mr. Graves to determine how many glue areas we would have to put on the piece to have it meet regulation.

I'll keep you posted.

Laine

RATES AND CLASSIFICATION SERVICE CENTER



January 12, 2001

Ms. Laine Ropson
Moore BCS
National Postal Services Manager
1200 Lakeside Drive
Bannockburn, IL 60015-1243

Dear Ms. Ropson:

This is response to your request that we review the design of a mailpiece that has been constructed to mail as a double postcard.

The piece in question is constructed of a single piece of paper that has been folded and glued around the edges to form card stock. It is again folded at the bottom and sealed with glue spots to form a double postcard.

Historically, Congress has mandated that private mailing cards be approximately of the same form, quality, and weight as a stamped postal card. Therefore, a postcard must conform to all of the requirements in the *Domestic Mail Manual*, DMM C100.2. When a piece of paper has been folded over and glued together sealing only the edges, but not the interior, that mailpiece cannot be said to be representative of the same form as a postal card because postal cards are not formed that way.

While the DMM states in part "that a postcard may be formed of one piece of paper or cardstock or two pieces of paper." It goes on to state, "the two pieces of paper must be permanently and uniformly bonded together." If the postcard was constructed so that the entire sheet, not just the edges was bonded together, it appears the "permanently bonded" requirement would be met.

This office will be glad to reconsider the design of your postcard if modifications, as described above, are made to your mailpiece.

Sincerely,



R. Wayne Graves
Manager

cc: Joe Stier, USPS NAM Chicago Int'l Service Center
ILRCSC:KJWakefield:LT:C100:601984
KAR

3900 GABRIELLE LANE ROOM 111
FOX VALLEY IL 60597-9599
(630) 978-4329
FAX: (630) 978-4295

EXHIBIT C



March 13, 2000

Ms. Laine Ropson
Moore Business Communication Services
1200 Lakeside Drive
Bannockburn, IL 60015-1243

Dear Ms. Ropson:

This is in response to your February 13, 2001, letter concerning the decision of the Manager, Chicago Rates and Classification Service Center (RCSC) who denied your request for postcard rate eligibility of mailpieces to be mailed as double postcards. You have requested this rate eligibility on the basis that you believe the mailpieces meet the requirements for mailing at the card rate.

It is noted that the decision of the RCSC was an initial classification decision made subject to the provisions of *Domestic Mail Manual* (DMM) P020.3.4. Accordingly, your letter of appeal to the Vice President, Pricing and Product Design was forwarded to this office for a response.

At issue are provisions of DMM C100.2 that prescribe the requirements that must be met in order to mail at the card rate. The mailpieces in question are constructed of a single piece of paper, folded and glued at the edges initially; then folded again to meet the size limits of a double postcard eligible for the card rate.

To qualify for the card rate, a postcard must be of uniform thickness and made of unfolded and uncreased paper or card stock of approximately the quality and weight of a post card. Each half of a double stamped postcard must be rectangular, not less than 3-1/2 inches high, 5 inches long, and 0.007 inch thick and not more than 4-1/4 inches high, 6 inches long, and 0.016 inch thick. If it is formed of two or more pieces of paper, they must be permanently and uniformly bonded together. In addition, a double card must be folded before mailing and prepared so that the address on the reply half is on the inside when the double card is mailed. The first half of a double card must be detached when the reply half is mailed for return. The reply half of a double postcard must be used for reply and may not convey a message to the original addressee or to send statements of account.

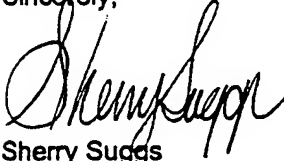
After review of the mailpieces submitted, I find they do not meet the characteristics of a postcard eligible for the card rate. Your argument is based on the provisions of DMM C100.2.3. By your own description, the mailpiece is made of "a single piece of paper, folded and permanently glued, to form card stock." As a single piece of paper, once folded, it does not meet the requirements of DMM C100.2.3, albeit glued in a manner that makes it difficult to open all or portions of the card size piece. Nor is it constructed of "two pieces of paper that are permanently and uniformly bonded together" as provided for by DMM C100.2.3. The piece in question more closely resembles a self-mailer usually made of a single piece of paper, but folded and folded again to form a single mailpiece.

As information, the dimensions and specifications adopted by the Postal Service (consistent with the statutory law enacted by Congress) form, in some instances, a relatively fine line between mail matter which qualifies for the card rate versus that which qualifies for the letter rate.

However, given the substantial rate differential between cards and letters, these distinctions are justified to maintain the significant costing advantage that qualifying cards share over letters.

Based on my review of the appeal, I find the arguments insufficient to demonstrate eligibility for the card rate. The denial decision of the RCSC is affirmed. This supersedes any preparation advice offered by the RCSC in earlier decisions.

Sincerely,

A handwritten signature in cursive script, appearing to read "Sherry Suggs".

Sherry Suggs
Manager

cc: Manager, Chicago RCSC
RCSC Managers
Karen Magazino

P& PD:MP&S:JMLease:Karen5

EXHIBIT D

EXHIBIT E

Attachment A

U.S. Postal Service Letter of Double V Postcard design acceptance

MAILPIECE DESIGN ANALYST
SALT LAKE CITY DISTRICT



August 26, 2002

Mr. Will Hutchinson
Moore Business Forms
225 N Bluff St Ste 20
St George UT 84770-4566

Dear Mr. Hutchinson,

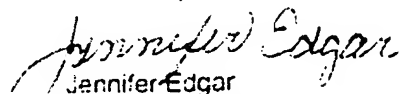
The samples of your proposed postcard design were sent to our Rates and Classification Service Center in San Francisco. They have instructed us to make the determination locally as to whether the cards meet the requirements to be mailed at the postcard rate.

Myself, Richard Reese, Mail Standards Specialist, and Keith Johnson, Supervisor Business Mail Entry, have determined that the cards meet the postcard requirements based on DMM C100.2 with one exception: DMM C100.211 "Plain stickers, seals, or a single wire satch may be used to fasten the edges of double cards if fixed so that the inner surfaces of the cards can be readily examined". The proposed glue spots on the right and left edges prevent the examination of the reply card and will need to be eliminated.

Also, we recommend that the glue spot closest to the FIM bars on the reply card be moved to the left slightly to prevent tearing of the FIM bars when the double card is opened.

Please feel free to contact me if you have any questions.

Sincerely,


Jennifer Edgar
Mailpiece Design Analyst
974-2994

CC: Kent Walker, Manager BMEU
Keith Johnson, Supervisor BMEU
Richard Reese, Mail Standards Specialist
Marv Stewart, Postmaster Santa Clara

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